

REMARKS

Claims 1-34 are pending in this application. By this Amendment, Applicant has amended claims 1, 3 and 18, canceled claims 2, 16 and 17 and added new claims 35-38. Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 102 and 103:

Claims 1-3, 11-13, 16, 17, 21, 24-26 and 29-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Dan. Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Hines et al. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Bell. Claims 4, 7, 14, 15, 20, 23 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Yu et al. Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan in view of Hines et al. Claims 18, 19, 22, 27, 28, 32 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dan. Claims 1, 11, 24 and 29 are drafted in independent form.

Claim 1, as amended, calls for “transmitting, during an ongoing packet transfer operation in which packets of content are transferred between a sending device and a receiving device, image data in addition to said content ... for display on a display associated with the receiving device during said ongoing packet transfer”. Moreover, the additional image data is transmitted within the packet headers of the data transfer.

In accordance with one embodiment of the present invention wherein additional image data is transmitted with the packets of content, the display of the receiving device, which would typically be blank while the device is occupied with the ongoing download could instead display the additional image data to the user. (See, e.g., p5, lines 1-7)

In contrast, although the Office Action suggests that web page images in Dan may be transferred concurrently with other objects within the same web page (See, Office Action, p. 2, ¶1), those images are not “image data in addition to said content”, as required by claim 1. Instead, those images (e.g., “Image(fish)” of Fig. 21 or the “banner ad” of Dan) are the actual content of the downloaded web page itself. In other words, those images are not image data in addition to the content that is the subject of the ongoing data packet transfer operation, as required by amended claim 1.

Claim 1, as amended, further requires that the additional image data be transferred within the packet headers of the data transfer. The Office Action cites col. 17, lines 20-29 of Dan for this feature. However, the cited section of Dan is referring to a “header” only as a “top portion of a web page” and, in particular, attaching content such as a banner ad object to the *web page* header during web page management. This stands in sharp contrast to transmitting the additional image data within *packet* headers, as required by amended claim 1.

Accordingly, for at least each of the foregoing reasons, Applicant respectfully submits that claim 1 is not anticipated by Dan.

Claims 11, 24 and 29 contain the feature of “image data in addition to said content” found in claim 1, and thus, are allowable for at least the same reason as set forth above in urging the allowance of amended claim 1.

Dependent Claims:

Dependent claims 18, 19, 22, 27, 28, 32 and 33 were rejected in the Office Action as being obvious over Dan on grounds that:

“It would have been obvious to one of ordinary skill in the art at the time of the invention to insert image and its associated display parameters in the banner (in Fig. 9) using tag of HTML, so that the displayed image fits in the page that displays the image.”

“It would have been obvious to one of ordinary skill in the art at the time of the invention to insert image and its associated display parameters in the banner (in Fig. 9) using tag of HTML, so that in lieu of text data, the image data is displayed.”

The Office Action, however, does not provide any evidence in support of this conclusion. Thus, Applicant respectfully requests that, should the Examiner persist in these rejections, he provide evidence in support thereof.

Applicant does not believe it necessary at this time to further address the rejections of the dependent claims as Applicant believes that the foregoing arguments and amendments place the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

New Claims:

Applicant has added new claims 35-38 directed to a combination of features believed to be patentable for at least some of the same reasons as set forth above in urging the allowance of amended claim 1. An examination on the merits of these new claims is respectfully requested. No new matter has been added.

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4066. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

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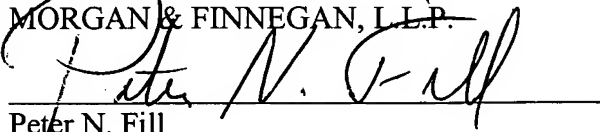
The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4066. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4066. A DUPLICATE COPY OF THIS PAPER IS ATTACHED.

Dated: January 9, 2006

By:

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Peter N. Fill
Registration No. 38,876

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile